

Accordingly, pursuant *Defendants' Motion for Summary Judgment*, filed on October 24, 2007, is **DENIED**. *Plaintiff's Motion to Strike Affidavit of Joe B. Wiser; Motion to Strike*

Affidavit of Joe S. Herrera; and Motion to Strike Affidavit of Jason A. Chapman, all filed on November 26, 2007, are hereby **DENIED** as moot.

This case will be set for jury trial by separate order.

SO ORDERED.

SIGNED this 24th day of February, 2008.

A handwritten signature in dark ink, reading "Ed Kinkeade". The signature is written in a cursive, flowing style. The "E" is large and loops around the "d". The "K" is tall and the "i" is small. The "n" and "k" are connected. The "e" at the end is a simple loop.

ED KINKEADE
UNITED STATES DISTRICT JUDGE